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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,842	08/24/2001	Jeffrey F. Harper	SCRIP1300-3	1099

7590 08/12/2003

Lisa A. Haile, J.D., Ph.D.
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San Diego, CA 92121-2189

EXAMINER

MARTINELL, JAMES

ART UNIT	PAPER NUMBER
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1631

12

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner for Patents

The reply filed on 5/19/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

It is not clear just what is elected. Applicant elects Group I and then SEQ ID NOs: 1034 and 3729 and then the combination of claim 2 (many of the elected claims embrace combinations that are different from the combination in claim 2). In addition, the explanation of the relationship of SEQ ID NOs: 1034 and 3729 is unclear in that applicant does not explain with particularity where the upstream regulatory region is.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (703) 308-0296. The fax phone number for Examiner Martinell's desktop workstation is (703) 746-5162. The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to james.martinell@uspto.gov. Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (703) 305-4028.

Please take note of this new Official Fax Phone Number

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


James Martinell
Primary Examiner
Art Unit: 1631